

REMARKS

Claims 14-20 are pending. Claim 18 has been withdrawn from consideration by the Examiner in the absence of an allowable linking claim. Claim 21-22 have been withdrawn by the Examiner as being directed to a non-elected species. Claims 14, 18, 19 and 20 have been amended.

Claim Rejection - 35 U.S.C. §102(e)

Claims 14 -17, 19 and 20 are rejected as being anticipated under 35 U.S.C. §102(e) by Kranz *et al.* as evidenced by Borrebaeck *et al.* Specifically, the Examiner argues that the murine antibodies included in the conjugates described by Kranz *et al.* inherently contain the α -gal epitope due to the presence of such epitopes in murine antibodies, as evidenced by the disclosure of Borrebaeck *et al.*. The Examiner also proposes a broad interpretation for the claim " α -galactosyl epitope" based on the teachings in Applicant's specification at page 8, lines 20-25.


In view of the foregoing claim amendments, which limit the presently-claimed conjugates solely to folate in conjunction with the recited selective moieties, the Examiner's anticipation rejection based on the conjugates described by Kranz *et al.* is overcome. Specifically, the recitation of " α -galactosyl epitope" which the Examiner interprets as broadly encompassing "any compound that specifically binds to an antibody specific to α -galactosyl" has been deleted and replaced with an explicit recitation limited to the α -galactosyl epitope itself: Gal α 1-3 Gal β 1-4 GlcNAc-R. Further, the claims as presently amended also explicitly exclude the possibility that the selective moiety or any other portion of the presently-claimed conjugate could be an antibody, including murine antibodies, thereby further obviating the Examiner's rejection. As noted previously by Applicant, Kranz *et al.* do not teach immunomodulation using the conjugates as presently claimed or even suggest their possible existence, whether considered alone or in combination with the disclosure in Borrebaeck *et al.* Applicant therefore request that the Examiner withdraw the rejection of claims 14-17, 19 and 20 as being accidentally anticipated by Kranz *et al.* under § 102(e). In view of the above, Applicant respectfully requests reconsideration by the Examiner of claims 14 and 19 as allowable generic or linking claims.

CONCLUSION

Based on the foregoing, applicant respectfully submits that the claims as presently submitted are in condition for allowance. If, upon review, the Examiner feels there are additional outstanding issues, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,
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